

Reduce Your County's Risk:  
An HR Perspective

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TEXAS ASSOCIATION OF COUNTIES  
RISK MANAGEMENT POOL

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**Disclaimer**

*This training is designed to provide general information about the subject matter covered. Neither TAC nor the trainers are engaged in rendering legal advice. If you need legal advice, TAC recommends that you seek the services of a competent attorney who is familiar with your specific situation.*

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Learning Objectives

- What is Risk?
- Employment laws & liability
- Well written policies & job descriptions
- Documentation: What, When and Why?

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**What is Risk??**  
*"The possibility of something bad happening".*

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**Employment Laws:**

<b>TITLE VII</b>	<b>ADEA</b>	<b>GINA</b>
<b>Pregnancy Act</b>	<b>ADAAA</b>	<b>FMLA</b>

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**Title VII of the Civil Rights Act of 1964**  
Race, Color, Religion, Sex, National Origin



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### Age Discrimination in Employment Act (ADEA)



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### American's With Disabilities Amendments Act (ADAAA)



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### Pregnancy Discrimination Act (PDA)



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### Family and Medical Leave Act (FMLA)



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### Genetic Information Non-Discrimination Act (GINA)



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### Texas Whistleblowers Act



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### Policies are important .....

- Provide uniform expectations
- Promote compliance and prevention
- Define responsibilities
- Rules for your department



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### The only method of proof is: **Documentation**



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### Documentation Addresses:

What the employee did wrong

- ✓ Focus on behavior

Why is this a problem?

- ✓ Policy violation, etc.

Specific impact of the incident

Expectation to correct the behavior

- ✓ Time to correct, consequences, discipline

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### Documentation Tips

Just the facts

Concentrate on what the employee *does*

Avoid "bad attitude"

Focus on what you want employee *to do*

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### What should be documented?

- **Disciplinary Actions**  
Attitude, attendance
- **Complaints**  
Harassment, discrimination, etc.
- **Accommodation Requests**  
Interactive process

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### Common Employee Problems

- Attitude
- Attendance
- Anger
- Performance Issues
  - Expectations, Skills, Conflict
  - Health, Family, Childcare

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### Accommodations under ADAAA

- Management receives request
- Identify Essential Functions
- Begin Interactive Process
- Discuss Possible Accommodations

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Risk Leads To Liability →

- Unemployment Claims
- EEOC Claims
- Increased Contributions
- Decreased Benefits

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### Human Resources Consultants

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